

James A. Saville

From: Christine Cusack [ccusack@asplaw.net]
Sent: Thursday, March 31, 2005 11:44 AM
To: Robert G. Clyne
Cc: wcbailey@simmsshowers.com; bbrunk@gulfattorneys.com; jbartlett@semmes.com; bcole@semmes.com; agiles@semmes.com; FJGorman@GandWlaw.com; James A. Saville; berniesevel@aol.com; jskeen@skaufflaw.com; Whitman, M. Hamilton Jr.; clyon@semmes.com; Jeff Asperger
Subject: RE: Tate & Lyle remaining discovery

Your proposed conditions are acceptable with the exception of efforts to preserve for trial the testimony of Balita which we would seek to do by telephone. We cannot understand how that could possibly prejudice the parties. I hope you agree so that we can resolve this amicably.

Jeffrey J. Asperger
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-----Original Message-----

From: Robert G. Clyne [mailto:RClyne@hillrivkins.com]
Sent: Thursday, March 31, 2005 9:49 AM
To: Christine Cusack; wcbailey@simmsshowers.com; bbrunk@gulfattorneys.com; jbartlett@semmes.com; bcole@semmes.com; agiles@semmes.com; FJGorman@GandWlaw.com; James A. Saville; berniesevel@aol.com; jskeen@skaufflaw.com; Whitman, M. Hamilton Jr.; clyon@semmes.com
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I have no objection to the additional discovery with the exception of Balita so long as it does not delay the resolution of the summary judgment motions. Balita does not factor into the magistrate's order. I would request that any motion/letter to the court make clear that the court can move forward in deciding the motions.

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-----Original Message-----

From: Christine Cusack [mailto:ccusack@asplaw.net]
Sent: Thursday, March 31, 2005 10:13 AM
To: wcbailey@simmsshowers.com; bbrunk@gulfattorneys.com; jbartlett@semmes.com; bcole@semmes.com; agiles@semmes.com; Robert G. Clyne; FJGorman@GandWlaw.com; James A. Saville; berniesevel@aol.com; jskeen@skaufflaw.com; 'Whitman, M. Hamilton Jr.'; clyon@semmes.com
Cc: Jeff Asperger
Subject: Tate & Lyle remaining discovery

Gentlemen:

This will confirm my telephone discussions with both Tony and Bob regarding the remaining discovery. We will disclose Mike Parnell as our rebuttal expert. Tony has indicated he wants to take the depo. To solve the Heiner Popp issue, Tony has offered him for depo.

If discovery is extended, we intend to continue to person the depo of Balita. Unless I hear from anyone else, this summarizes our positions and I suggest we indicate that we will need 90 days to complete this work. Tony, would you be kind enough to put all this in writing, if we are in agreement? Please feel free to use our proposal in preparing your draft. Thanks.

Jeff

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